
(2014) 09 JH CK 0019
In the Jharkhand High Court
Case No : W.P. (S) No. 3364 of 2011

Bhola Prasad Sah

APPELLANT

Vs

Steel Authority of India Limited

RESPONDENT

Date of Decision : 04-09-2014

Acts Referred:

Citation : (2014) 09 JH CK 0019

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : K.K. Singh, Advocate for the Appellant; Indrajit Sinha, Advocate for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties.

2. The sole grievance of the petitioner, who has retired on 31st December 2008 as Operator in Traffic Department under the Bokaro Steel Plant, is that the respondents have yet not released the Gratuity amount to the petitioner.

3. From the facts on record as indicated by the petitioner himself and the affidavit of the respondents, it appears that the petitioner had continued to retain an official quarter i.e. Qrt. No. 3153/Sector-12B, Bokaro Steel City, Bokaro after his retirement. The petitioner was issued letter to vacate the said quarter on 01st June 2011 and pay the penal rent. As per submission of the learned counsel for the petitioner, the said quarter has been vacated thereafter. Learned counsel for the petitioner has submitted that he had made an application for allotment of a quarter under licence scheme which was however never allotted to him. Respondents have stated that the licencing scheme was launched for E and F type quarters and there were many more applicants than the number of available quarters.

4. The petitioner however had remained in unauthorized occupation of his official quarter and the amount retained by the respondents was in the nature of security deposit. It is their stand that the gratuity amount of the petitioner was

not withheld, rather the amount in question was in the nature of security, in lieu of the company's accommodation and no interest is paid on security deposit. The aforesaid issue relating to retention of the quarter after retirement and withholding of gratuity amount in lieu thereof, has been considered by the learned Division Bench of this Court in the case of Bokaro Steel Limited vs. Shri Ram Naresh Singh & Ors. passed in L.P.A. No. 15/2013 vide judgment dated 24th February 2014. The learned Division has held that the retention of the gratuity is not as a measure of penalty, rather on account of voluntary agreement of the employee to offer the gratuity amount as security deposit for retention of the quarter after his retirement. Therefore, there was no violation of the provisions of payment of Gratuity Act.

5. In the present case, the ratio laid down by the learned Division Bench in the case of Bokaro Steel Limited (Supra) also stands applicable. Respondents are therefore required to act in terms of the judgment rendered in the case of Bokaro Steel Limited (Supra) and if it is found that the petitioner has vacated the official quarter and any amounts are admissible to him on account of the security deposit retained for such retention of the official quarter, after deducting admissible charges, the same shall be refunded to the petitioner, in accordance with law, within a reasonable time.

The writ petition stands disposed of.